

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MATTHEW LIVERS,	)	
	)	8:08CV107
Plaintiff,	)	
	)	
v.	)	
	)	ORDER
EARL SCHENCK, et al.,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court on its own motion. The plaintiff was recently granted leave to amend his complaint to add parties. Filing No. [167](#), Order. This is an action for deprivation of constitutional rights brought pursuant to 42 U.S.C. § 1983. In their brief opposing plaintiff's motion to amend, defendants stated that they would seek leave to amend their pending motions for summary judgment if the amended complaint were filed. See Filing No. [161](#), Brief at 6. Accordingly, the court finds the motions for summary judgment should be denied as moot without prejudice to refile. Deadlines for progression of the case will be amended by the magistrate judge in due course.

IT IS ORDERED the defendant's motions for summary judgment (Filing Nos. [75](#) and [78](#)) are denied as moot, without prejudice to reassertion.

DATED this 8<sup>th</sup> day of June, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge